

terminal device; *downloading* said software product from said offer server via said network onto said terminal device in response to said inquiry of said user; *activating* a software component of said software product; *starting a communication* by way of said software component *with a usage processing server* regarding a usage of said software product in response to a call of said software product in said terminal device of said user; *providing*, by said software component in a framework of said communication, *data to said usage processing server*; and checking said data, by said usage processing server, and then making a determination selected from the group consisting of: whether usage of said software product is approved with respect to said inquiring user, and whether charging operations are carried out on user accounts and provider of software product accounts [emphasis added].”

Halpern discloses that an installation package is custom configured at the server location so that it contains only the components and options requested by the user during a dialog with the server. See column 4 lines 47-50 and FIGS. 2 and 3. Halpern discloses that the installation process requires connection between a client system 101 and a remote server system 102 via a distributed processing network such as the Internet. See column 4 lines 54-57. The executable prepared by the packager 110 is then transmitted over the web to the client system 101 as one or more packages. See column 6 lines 17-19. For a self-extracting executable which includes program and data files and a client installer program, as well as decompression and auto-start utilities, the user may simply execute the received setup.exe or install.exe file to immediately install the applications and options which he/she has selected. See column 6 lines 47-52.

Halpern does not disclose or suggest starting a communication by way of said software component with a usage processing server regarding a usage of said software product in response to a call of said software product in said terminal device of said user; providing, by said software component in a framework of said communication, data to said usage processing server; and checking said data, by said usage processing server, and then making a determination selected from the group consisting of: whether usage of said software product is approved with respect to said inquiring user, and whether charging operations are

carried out on user accounts and provider of software product accounts, as recited in independent claim 1. The reference does not teach a method that prevents usage of the software product by unauthorized end users. Therefore, the applicant respectfully submits that independent claim 1 patentably distinguishes over Halpern. Since claims 2-4 depend from claim 1, the applicant also submits that claims 2-4 patentably distinguish over Halpern for at least the same reasons as independent claim 1.

Features of the invention defined by independent claim 5 include:

“a usage processing module for processing a software product downloaded from a network; wherein said usage processing server is contacted by said software product *after* said software product has been downloaded into a terminal device of a user and has been activated; and wherein usage processing data required to perform usage processing are delivered to said usage processing server [emphasis added].”

Halpern does not disclose or suggest that the usage processing server is contacted by said software product after said software product has been downloaded into a terminal device of a user and has been activated; and that usage processing data required to perform usage processing are delivered to said usage processing server, as recited in independent claim 5. Therefore, the applicant respectfully submits that independent claim 5 patentably distinguishes over Halpern. Since claims 6-10 depend from claim 5, the applicant also submits that claims 6-10 patentably distinguish over Halpern for at least the same reasons as independent claim 5.

Similarly, independent claim 11 defines:

“a software component that is activated when called by said software product and that *subsequently* starts communicating with a usage process server and delivers usage processing data required for performing usage processing to said usage processing server in the framework of said communication; wherein said software product can be downloaded into a terminal device by a user via a network in response to an inquiry from said user [emphasis added].”

Halpern does not disclose or suggest a software component that is activated when

called by said software product and that subsequently starts communicating with a usage process server and delivers usage processing data required for performing usage processing to said usage processing server in the framework of said communication, as recited in independent claim 11. Therefore, the applicant respectfully submits that independent claim 11 patentably distinguishes over Halpern. Since claims 12 and 13 depend from claim 11, the applicant also submits that claims 12 and 13 patentably distinguish over Halpern for at least the same reasons as independent claim 11.

Similarly, independent claim 14 defines:

“installing a software component in source code of said software product of a software manufacturer by using a software development kit provided by a usage processing provider; activating said software component when called by said software product; starting a communication by said software component with a usage processing server *after* said step of activating said software component; sending, by said software component, usage processing data that are required for performing usage processing to said usage processing server in the framework of said communication [emphasis added].”

Halpern does not disclose or suggest starting a communication by said software component with a usage processing server *after* said step of activating said software component; sending, by said software component, usage processing data that are required for performing usage processing to said usage processing server, as recited in independent claim 14. Therefore, the applicant respectfully submits that the reference does not teach the claimed invention and independent claim 14 patentably distinguishes over Halpern.

In view of the foregoing discussion, the present application is believed to be in condition for formal allowance. An early and favorable action is therefore respectfully requested. However, if the examiner notes any other problems, in order to expedite allowance, the examiner is urged to contact the undersigned at 703-415-0012.

Respectfully Submitted,



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PATENT TRADEMARK OFFICE

11-14-02

Date

A handwritten signature in black ink, appearing to read "Irina Zemel", written over a horizontal line.

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